

**REMARKS/ARGUMENTS**

Claims 1-7 and 18-20 are amended. Claims 1-9 and 18-20 are now active in this application. No new matter is added. Claims 10-17 are withdrawn from consideration as being directed to a non-elected invention.

The indication that claim 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

Claims 1-7, 9 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zingher et al. (USPN 5,930,468), for the reasons substantially of record.

The rejections are respectfully traversed.

On page 2 of the Office Action, under item 1, the Examiner admits that “Zingher et al. does not directly teach setting the parameter...by comparing an interval between the received job and the last job with a predetermined time” (claim 1). Despite such fact, the Examiner, relying upon column 3, lines 3-7 and 8-20, and column 4, lines 7-11, interprets Zingher et al. as teaching “that the time need for changing the setting from on print job to the next different job is longer than the time needed to use[d] the setting of the last print job since it requires more steps and more time.”

However, it appears that Examiner does not fully appreciate what is recited in independent claims 1 and 18. Independent claims 1 and 18 require, *inter alia*:

...setting a parameter for the received job in accordance with the state that is decided by the (decision portion)/(deciding step) ***if an interval between the received job and the last job is longer than a predetermined time***, and for setting the parameter, that was used in the last job, for the received job despite the state that is decided by the decision portion ***if the interval is not longer than the predetermined time***. (Emphasis added)

Thus, both independent claims 1 and 18 require a time period (interval) to be determined *between receipt* of a (new) job and (completion) of the last job. If this time period (interval) is longer than a predetermined (set) time (interval), a parameter for the newly received job is set in accordance with the state decided by the (decision portion)/(deciding step). However, if this time period (interval) is not longer than the predetermined (set) time (interval), the parameter that was set for the just completed job is maintained for the newly received job. An example of where this is important is when a user initiates a trial printing and immediately sees that the printed results are acceptable and instructs real printing within the predetermined (set) time (interval). When this happens, there is no wasted time in having to set the parameter in accordance with the state decided by the (decision portion)/(deciding step). However, if the user waits too long in instructing the real printing, then the apparatus would take additional time in setting the parameter in accordance with the state decided by the (decision portion)/(deciding step).

Zingher et al. neither discloses nor suggests a time period (interval) is to be determined between receipt of a (new) job and (completion) of the last job, and that this time period (interval) is to be compared against a predetermined (set) time (interval) for any purpose. The objective of Zingher et al. is to optimize use of time during the production of a plurality of issues of printed material. In particular, the amount of time and working steps necessary for changing from one print job to the next are optimized in terms of time. Such objective does not require determining the time period (interval) between receipt of a (new) job and (completion) of the last job and then comparing this against a predetermined (set) time (interval).

The example disclosed in Zingher et al. is that of plural image contents B.1...B.5 of distinct print jobs are input in this order and each requires a respective different print form

D.1...D.5. Zingher et al. discloses generating printing forms via a printing form generating device DE which can write/modify a printing form on a printing form cylinder D in accordance with image contents. In Zingher et al., all the different print contents B.1...B.5 are first input to the data processing device DV of the apparatus in the sequence B.1...B.5. The data processing device DV then resorts the input sequence to an optimized sequence for printing. This optimized sequence for printing means that the sequence for writing a first image content in order to print a first printing form and then to erase and rewrite subsequent image contents in order to print each subsequent printing form results in an overall minimum of time as compared with other sequences for printing the printing forms corresponding to the image contents B.1...B.5.

It would appear that in Zingher et al., either inking of the printing form on the printing form cylinder D after completion of writing/modifying the printing form on the printing form cylinder D, or the transfer of the inked printing form by means of blanket cylinder G onto the sheet-like material to be printed would correspond to completion of the current job. As would be understood by a person of ordinary skill in the art, there is no need in Zingher et al. to compare a time period (interval) between such completion of the current job and receipt of the next image contents for writing/modifying the next printing form on the printing form cylinder D and then compare this against a predetermined (set) time (interval). Providing such a predetermined time period to compare against serves no useful purpose in Zingher et al. as the time period (interval) between such completion of the current job and receipt of the next image contents for writing/modifying the next printing form on the printing form cylinder D *would be the same* for each of the subsequent image contents no matter what order the image contents are resorted to be in. In this regard, it should be remembered that in Zingher et al., the image contents B.1-B.5 are all input before resorting occurs and thus, each is immediately available for writing/modifying

the next printing form on the printing form cylinder D after completion of the last job. The time that does differ in Zingher et al. is the time for writing/modifying each respective printing form on the printing form cylinder D so that the it can be printed. This time is dependent on the required amount of erasing and rewriting of the cylinder D in order to ultimately provide the printing form corresponding thereto on the cylinder D.

It is believed that independent claim 1 and 18 clearly delineate that when a time period (interval) *between receipt* of a (new) job and (completion) of the last job is longer than a predetermined (set) time (interval), a parameter for the newly received job is set in accordance with the state decided by the (decision portion)/(deciding step), and if this time period (interval) is not longer than the predetermined (set) time (interval), the parameter that was set for the just completed job is maintained for the newly received job. However, to expedite prosecution, independent claim 1 is amended to recite:

An image processing apparatus for receiving a current job including image data and for processing the image data of the current job so as to give the current job to an output device, the image processing apparatus comprising:

an image processor for performing a process defined by a parameter on the image data of the received job;

a decision portion for deciding a state of the image data of the current job; and

a controller for setting a parameter for the current job in accordance with the state that is decided by the decision portion if an interval between the receipt of the current job and completion of an immediately preceding job is longer than a predetermined time, and for setting the parameter that was used in the immediately preceding job for the current job if the interval is not longer than the predetermined time.

Claim 18 is amended to recite:

An image processing method for performing a image process defined by a parameter on image data, the image processing method comprising the steps of:

receiving a current job including image data;

deciding a state of the image data of the received job;

setting a parameter in accordance with the state decided by the deciding step if the interval between the receipt of the current job and completion of an immediately preceding job is longer than a predetermined time, while setting the parameter that was used in the ~~last~~ immediately preceding job if the interval is not longer than the predetermined time; and

performing an image process defined by a parameter on image data of the current job.

Claims 2-7, 19 and 20 are amended for consistency with claims 1 and 18.

As Zingher et al. neither discloses nor suggests a need to determine an interval between the receipt of the current job and completion of an immediately preceding job, let alone comparing such interval to a predetermined time, amended independent claims 1 and 18 are patentable over Zingher et al., as are dependent claims 2-9, 19 and 20, as amended. Consequently, the allowance of claims 1-9 and 18-20, as amended, is respectfully solicited.

## **CONCLUSION**

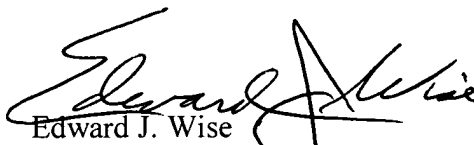
Accordingly, it is urged that the application, as now amended, overcomes the rejection of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application, as amended, are respectfully requested. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

09/662,819

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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